

WASHINGTON COUNTY COMMISSION
MEETING MINUTES
APRIL 19, 2011

The Regular Meeting of the Board of the Washington County Commission was called to order by Acting Chairman James J. Eardley at 4:00 p.m. on April 19, 2011, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Acting Commission Chairman James J. Eardley, Commissioner Alan D. Gardner, Washington County Administrator Dean J. Cox, Deputy County Attorney David L. Patterson, and Deputy County Clerk Christine Hall.

Chairman Dennis Drake was excused.

The Spectrum was not represented at the meeting.

Commissioner Gardner led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor Approved Claims for Payment for April 6, 2011, through April 19, 2011
- Consideration of Regular Commission Meeting Minutes from March 1, 2011, and March 15, 2011; and Special Commission Meeting Minutes of March 22, 2011
- Consideration of Applications for Settlement or Deferral of Property Taxes: Cynthia Amador, S/N SG-RRMHE-3-12; Steve & Susan Christensen, S/N SG-BRTC-S203; Front Nine LLC/Ryan Horne, S/N I-PAL-1-13; Front Nine LLC/Ryan Horne, S/N I-PAL-1-11; Kent Heideman, S/N W-HWB-2-42; Gene & Afton Jacobsen, S/N SG-CVT-4; Jill Jones & Daniel Logue, S/N PHS-5-89; Bill & Sarah Musemeche, S/N BKE-1-20-NW; Red Canyon Builders, S/N H-DSP-A-187; Jolyn Rood, S/N T-AHP-A-125; Robert Stevens, S/N W-5-2-11-323
- Consideration of Administrative Adjustments: Personal Property: attached
- Consideration of Administrative Adjustments: Real Property: attached
- Consideration of Applications for Property Tax Abatement: Darlene Aguiar, S/N W-SWR-1-8; Karen Ferguson, S/N B000384; Virginia Mortensen, S/N SG-CTE-2-16

ACTIONS OF THE WASHINGTON COUNTY PLANNING COMMISSION
MEETING / 04-12-11

Conditional Use Permit Extension: Review extension on a Tower for Verizon Wireless at Big Mountain Communications Facility in Section 4, T38S, R16W, on Forest Service property near Enterprise. Connie Misket / Technology Associates International Corporation, Agent.

This is the third (3rd) extension, and the project has not been completed. There have been changes to the site plan to add additional fencing as per Verizon's lease agreement with Pacific Corp. Communication towers are conditionally approved within the OSC-20 zone. The applicant submitted the site location plan and photos of the project site showing what the site looks like currently. The Forest Service agreements were to be signed at the beginning of 2010. There is a requirement for collocation, and the accessory equipment shelters are in place. This application meets the requirement for a "lattice type" tower, with the leased area being one hundred feet by one hundred feet (100' x 100') and the tower being located on the north side of the parcel. The steel lattice tower was approved at one hundred feet (100') in height and has been changed to eighty-six feet (86') in height, with the redesign. There is a six-foot (6') tall chain-link fence with barbed wire for security purposes. *Unanimously approved by the Planning Commission for one (1) year, with site plan changes to accommodate Pacific Corp lease agreement.*

Conditional Use Permit Extension: Review extension to run a new transmission line from Central to the Middleton Substation and install a temporary line from the Middleton Substation to St. George Substation, fencing and expansion on the existing facility and changes to the Black Gulch to Diamond Valley line. Rocky Mountain Power / Project Manager Paul Henry, applicant.

With the project being completed in October 2010, there is no need for the fourth (4th) extension in six (6) years. The planner showed photos of the Black Gulch to Diamond Valley rebuilding on October 13, 2009. These types of uses for utilities are conditionally approved within the OSC & OST zone (County Code 10-6A-3 & 10-6B-3). The utility has received approval to expand the existing St. George Switchyard (SGSY) in the Red Hills Desert Reserve, building a 138 kV line from SGSY to Middleton Substation, and building a 138 kV double circuit line convertible to 345 kV (to replace the existing 138 kV line) from Red Butte Substation near Central, Utah, to SGSY. Both UAMPS and PacifiCorp (Rocky Mtn. Power) were in need of this expansion project, so they joined together in this effort. PacifiCorp (Rocky Mtn. Power) has amended its existing BLM ROW and Dixie National Forest special-use permit to add facilities and increase capacity. The new 138 kV double circuit line will be built twenty-five (25) feet west of and parallel to PacifiCorp's existing 138 kV line, which was removed. Since this project has been completed, the planning commission will need to make a recommendation to grant permanent status. *The Planning Commission unanimously recommended approval of the Conditional Use Permit granting permanent status.*

MOTION: Motion by Commissioner Gardner to Approve the Consent Agenda, as presented. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

EMERGENCY SERVICES REPORT / SHERIFF'S OFFICE

Washington County Sheriff Cory Pulsipher reported that it has been a busy month for the Search and Rescue volunteers, with eleven (11) emergency call-outs since March 6th. Rescues occurred in various areas in the County, including Kolob Mountain, the Anasazi Trail, Gooseberry Mesa, Red Cliffs Desert Reserve, Red Mountain, and Danish Ranch Road. Most were hikers and/or bikers who got stuck or lost. A total of seventy-seven (77) volunteers responded, with a total of two hundred and seventy-five (275) man-hours donated.

PURCHASE REQUESTS / MARK BLANCH:

Emergency Services, Space Tech Rescue Training \$22,700.00

All purchases are budgeted, bonded, or paid for through grant funds.

MOTION: Motion by Commissioner Gardner to Approve the Purchase Request as presented. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

MOTION: Motion by Commissioner Gardner to Move Item #10, Consideration of Proposed Vehicle Trade-In and Purchase of Four (4) Trucks for the Washington County Sheriff's Office, to be Considered Along with the other Purchase Request; and to Move Item #7, Consideration of Resolution No. R-2011-1553, A Resolution Amending the Makeup of the Administrative Control Board of the Ash Creek Special Service District, to Follow Purchase Requests on the Agenda. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF PROPOSED VEHICLE TRADE-IN AND PURCHASE OF FOUR (4) TRUCKS / SHERIFF'S OFFICE

Mark Blanch said that the purchase of four (4) new trucks will be accomplished by selling seven (7) used vehicles and utilizing the balance saved from the vehicle budget from 2010

to reach the amount required for the purchase: one hundred and seven thousand, six hundred and twenty-eight dollars (\$107,628.00). Sheriff Pulsipher explained that his office had chosen St. George Ford's bid based on the fact that all of the accessory equipment came from the used Ford F-150s and can therefore be re-used in the new vehicles.

MOTION: Motion by Commissioner Gardner to Approve the Proposed Vehicle Trade-In and Purchase of Four (4) Trucks for the Washington County Sheriff's Office. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1553, A RESOLUTION AMENDING THE MAKEUP OF THE ADMINISTRATIVE CONTROL BOARD OF THE ASH CREEK SPECIAL SERVICE DISTRICT

Chairman Eardley said that the intent of this resolution is to add a seventh (7th) seat to the Administrative Control Board of the Ash Creek Special Service District representing the unincorporated areas of the County. There are six (6) current seats, comprised of the mayor and a city council member of each of the three (3) municipalities of Hurricane, LaVerkin, and Toquerville.

Commissioner Gardner provided some additional background, saying that the County recently expanded the size of the Ash Creek Special Service District (ACSSD) to include basically everything on the east side of the County, including the New Harmony area, that were previously unrepresented on the Board. New Harmony has requested to have a representative on the Board because its citizens are paying fees for services.

Paul Heideman, the Chair of the Ash Creek Sewer Board, told the Commission that there have been fifteen (15) septic permits issued in the past three (3) years. He objected to the appointment of a seventh (7th) representative, saying that such a person will represent not only the unincorporated areas but also approximately twenty-three thousand (23,000) other citizens of the other three (3) municipalities. Mr. Heideman said that the mayors and board members do not think this is an equitable solution. Further, in 1999 Commissioner Allred stated that a County appointment to a position on the Board should be a decision of the Board itself, and not the County. The Ash Creek bylaws state that the Board be comprised of the three (3) mayors and one council member of each town, so the bylaws would need to be changed. Mr. Heideman said that Board Members are typically paid approximately two hundred dollars (\$200) per month, and if an extra member is added, that will increase the fees charged to the Ash Creek residents. He asked that the Commission work more closely with the Board on this issue.

Deputy County Attorney David L. Patterson said that the bylaws are created by the

Board, but the makeup of the Board is created by the Commission, which are two separate issues. Public Works Director Ron Whitehead said that one reason this issue was raised is that in the Planning & Building Department as citizens of this unincorporated area come in and apply for building permits they are assessed two (2) fees, one of which goes to Ash Creek and the other to the Health Department for a septic permit. He has received complaints from some people in New Harmony, Pintura, and other areas in that part of the County that they are being assessed fees without any type of representation.

Commissioner Eardley said that he sees no problem with adding this other Board Member, as many citizens feel unrepresented on the Ash Creek Board. It is also typically better to have an odd number of members on any Board in the case of a split vote.

Mayor Darren LeFevre from Toquerville said that his main concern is not the addition of a seventh (7th) member but that he and the other mayors would like to discuss this issue further with the Commission before this resolution is voted on. He would like to see the resolution tabled until the next Commission meeting.

Mr. Patterson reiterated that he has been in contact with Ash Creek attorney Faye Reber to apprise him that the Commission wanted to place this item on the agenda so that he could relay that information to the Ash Creek Board. This resolution also clarifies that all members of the Board, including the Chair, have full voting rights.

MOTION: Motion by Commissioner Gardner to Table Resolution No. R-2011-1553, A Resolution Amending The Makeup Of The Administrative Control Board Of The Ash Creek Special Service District for two (2) weeks. Motion seconded by Commissioner Eardley, who called for a vote. Commissioner Eardley voted nay and Commissioner Gardner voted aye. Motion fails.

Mr. Patterson said that the Resolution is still on the agenda for consideration because the Motion to Table failed.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1553, A Resolution Amending The Makeup Of The Administrative Control Board Of The Ash Creek Special Service District. Motion seconded by Commissioner Gardner, who called for a vote. Commissioner Eardley voted aye, and Commissioner Gardner voted nay. Motion fails.

MOTION: Motion by Commissioner Gardner to Place Resolution No. R-2011-1553, A Resolution Amending The Makeup Of The Administrative Control Board Of The Ash Creek Special Service District, back on the

Agenda for the May 3, 2011, meeting. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

PRESENTATION BY WASHINGTON COUNTY WATER CONSERVANCY DISTRICT: FLOODS OF DECEMBER 2010 / COREY CRAM

Corey Cram, with the Washington County Water Conservancy District, provided a PowerPoint presentation concerning the floods of 2010, including the conditions present at the time, the effects of the floods, and measures taken to mitigate the damages. A copy of Mr. Cram's presentation is available through the office of the Washington County Commission.

CONSIDERATION OF ORDINANCE NO. 2011-1007-O, AN ORDINANCE AMENDING AND SUPERSEDING ORDINANCE NO. 2002-824-O, PROVIDING FOR A PROCEDURE AND CRITERIA IN GRANTING RESIDENTIAL PROPERTY TAX EXEMPTIONS

Washington County Assessor Arthur L. Partridge explained that the current ordinance provides that the deadline for receipt of applications for exemption for primary residential property is April 15th. As the tax rolls are closed in May, this date has proven to be troublesome. The current ordinance proposes to extend that date to April 30th, but to allow people to file after that date if they pay a fifty dollar (\$50) administrative fee to handle additional costs incurred in processing the applications after the deadline. What this allows the homeowner to do is have his application heard before the Board of Equalization, which may or may not approve it. A letter will be sent to all property owners, informing them of this new procedure.

MOTION: Motion by Commissioner Gardner to Adopt Ordinance No. 2011-1007-O, An Ordinance Amending And Superseding Ordinance No. 2002-824-O, Providing For A Procedure And Criteria In Granting Residential Property Tax Exemptions. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF ORDINANCE NO. 2011-1008-O, AN ORDINANCE AMENDING AND SUPERSEDING TITLE 10-8D-6B TO THE WASHINGTON COUNTY CODE (DELETING TEN FOOT [10'] DISTANCE BETWEEN BUILDINGS)

Washington County Planner Deon Goheen said that this is basically a housekeeping item. In 2004, Washington County codified its ordinances to remove this ten foot (10') clearance between buildings. This reference was removed from all other chapters, and it

is consistent to remove it from this chapter.

MOTION: Motion by Commissioner Gardner to Adopt Ordinance No. 2011-1008-O, An Ordinance Amending And Superseding Title 10-8D-6B To The Washington County Code (Deleting Ten Foot [10'] Distance Between Buildings). Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1552, A RESOLUTION TO APPROVE AND ADOPT A MEMORANDUM OF UNDERSTANDING BETWEEN SITLA AND WASHINGTON COUNTY FOR PAYMENTS IN LIEU OF TAXES RELATING TO CORAL CANYON PROPERTIES OWNED BY THE TRUST LANDS ADMINISTRATION / TABLED 4-5-11

Mr. Partridge said that previously the property in the Coral Canyon area had been taxed under the privilege tax. The developer (Sun Cor, a subsidiary of Arizona Power) has turned that property back over to the State Institutional Trust Lands Administration (SITLA). Now, although the property would be exempt from taxation by virtue of its ownership, SITLA has agreed to pay a fee in lieu of tax, as long as the property is being developed, which will be of benefit to Washington County. Site improvements are currently in place.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1552, A Resolution To Approve And Adopt A Memorandum Of Understanding Between SITLA And Washington County For Payments In Lieu Of Taxes Relating To Coral Canyon Properties Owned By The Trust Lands Administration. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1554, A RESOLUTION TO APPROVE AND ADOPT A NETWORK EXTENSION BUILD & SERVICE AGREEMENT BETWEEN INTERLINX COMMUNICATIONS, LLC, AND WASHINGTON COUNTY

Library Director Britton Lund said that her office has worked extensively with Jared Davis and Jason Abraham of the Washington County IT Department to develop the network extension build and service agreement with InterLinx for the benefit of the Library System.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1554, A Resolution To Approve And Adopt A Network Extension

Build & Service Agreement Between InterLinx Communications, LLC, And Washington County. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1555, A RESOLUTION TO ADOPT A POLICY REGARDING THE IMPORTANCE OF GRAZING IN WASHINGTON COUNTY

Commissioner Gardner said that this resolution is intended to strengthen the County's Land Use Plan and be consistent with the Federal Land Management Policy Act (FLMPA) which governs the Bureau of Land Management (BLM).

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1555, A Resolution To Adopt A Policy Regarding The Importance Of Grazing In Washington County. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

COMMISSIONERS' REPORT

No items were presented today.

PUBLIC WORKS OR ROAD BUSINESS

No items were presented today.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

County Administrator Dean Cox requested Commission approval for several items. First, the FCC has mandated changes in various radio systems, and the County has quite a few older radios that are unable to be rendered compliant. Pete Kuhlmann, Emergency Services Director, has been working with a group called Washington County Amateur Radio Emergency Services (WCARES), a volunteer group dedicated to providing emergency communication services to the County. Mr. Kuhlmann has proposed donating the obsolete surplus radios to the WCARES.

MOTION: Motion by Commissioner Gardner to Donate the Obsolete Radios Listed on the Attached Sheet to the Washington County Amateur Radio Emergency Services (WCARES). Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

Mr. Cox also said that Robert Sandberg, Habitat Conservation Plan Administrator, has been applying for grants from the Utah Trails Committee and the Quality Growth Committee to continue the beautification work done at the Confluence Park. One of the requirements for one of the possible grants is that it be discussed publicly.

The first grant is for the purpose of improving visitor use facilities at various locations in the Confluence Park area, such as trailheads, parking lots, restroom facilities, and so forth.

The second grant is for the removal of Tamarisk and Russian Olive trees within the park to help promote and restore the natural vegetation of the area and continue the restoration work there.

MOTION: Motion by Commissioner Gardner to Authorize the Washington County Habitat Conservation Plan to Apply for Any and All Grants Relating to the Improvements and Beautification at the Confluence Park, as More Specifically Described Above. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Gardner voting aye.

Commissioner Gardner reminded the audience of the upcoming 25th Annual Dixie Junior Livestock Show, which will be held on April 28th, 29th, and 30th at the Regional Park Fairgrounds. Over three hundred (300) animals are entered this year, all belonging to Washington County youngsters. There are many awards given, and it is a fun event for people of all ages.

Request a Closed Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 5:27 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

JAMES J. EARDLEY
ACTING CHAIRMAN